

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

In re:

SETH BASIL COLCHESTER,

Petitioner,

v.

JEWEL LAZARO,

Respondent.

Case No. 2:20-cv-01571-JCC

**STIPULATION AND PROPOSED  
ORDER QUASHING WRIT OF  
HABEAS CORPUS AND WARRANT  
IN AID OF WRIT**

Noted for Hearing: November 6, 2020

**STIPULATION**

1. On July 24, 2020, the Snohomish County Superior Court issued a writ of habeas corpus and warrant in aid writ of habeas corpus in Case No. 18-2-07242-31. The writ and the warrant directed the Sheriff of Snohomish County or any other peace officer in Washington to locate and take the minor child of Petitioner Seth Colchester and Respondent Jewel Lazaro into custody and deliver the child to the Snohomish County Superior Court.

2. The Superior Court's order of that same day authorized placing the minor child into the care and custody of Petitioner Seth Colchester, his designated agent, or the

1 Washington Department of Social and Health Services if the matter could not be immediately  
2 heard in Superior Court.

3           3.       On October 25, 2020, Ms. Lazaro's undersigned counsel accepted service of the  
4 petition commencing the Snohomish County action.<sup>1</sup> That same day, Ms. Lazaro removed that  
5 action to this Court. Pending any further order of the Court, this Court now has jurisdiction  
6 over the dispute.  
7

8           4.       To avoid the risk of emotional harm to their minor child from being placed in  
9 foster care or with a stranger pending the outcome of this action, Mr. Colchester and Ms.  
10 Lazaro stipulate to placing their minor child in the temporary care of Ms. Donna Turner, Mr.  
11 Colchester's designated agent and the child's maternal grandmother, pending further order of  
12 the Court, written agreement of the parties, or resolution of this action and subject to the  
13 conditions here. The child will reside at Ms. Turner's home located at 524 Rhodora Heights  
14 Road, Lake Stevens, Washington, 98258, and Ms. Turner will provide supervision over the  
15 child at all times. Ms. Turner may also allow the child to be supervised by the child's maternal  
16 aunt, Jade Oliver, who resides at 114 N. French Avenue, Arlington, Washington, 98223. Ms.  
17 Lazaro shall transfer the child to Ms. Turner within three hours of filing this stipulation, and  
18 shall provide confirmation of the same through counsel. Mr. Colchester's undersigned counsel  
19 has communicated to the Snohomish County Sheriff's office that the parties were negotiating  
20 this stipulation, and the Sheriff's detective indicated that the Sheriff would temporarily cease  
21 to enforce the arrest warrant in aid of writ.  
22  
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24           5.       Neither Ms. Turner nor Ms. Oliver will release the minor child to any person  
25 unless otherwise directed by the Court or written agreement of the parties. Both Mr.  
26  
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28 <sup>1</sup> A formal acceptance of service was signed by Respondent's counsel and filed with the Court on November 4, 2020. Dkt. No. 6.

1 Colchester and Ms. Lazaro may continue to have videoconference calls with their minor child  
2 by Skype, FaceTime, or similar application while she is with Ms. Turner or Ms. Oliver and  
3 Ms. Turner and Ms. Oliver agree to facilitate these calls. Ms. Turner will facilitate in-person  
4 contact between the minor child and both Mr. Colchester and Ms. Lazaro, provided that both  
5 will give Ms. Turner notice at least 24-hours before any planned visit with the proposed time  
6 for the visit to ensure that Mr. Colchester and Ms. Lazaro do not come in contact with one  
7 another. Unless the parties agree in writing through counsel, Ms. Turner shall supervise all  
8 visits between the child and Mr. Colchester or Ms. Lazaro, which shall mean she shall remain  
9 in eyesight or, when this is not possible, within earshot of the child and the parent at all times.  
10 Any dispute over visitation should be raised between the parties through counsel, who may  
11 seek appropriate relief if they cannot agree to a resolution.  
12

13  
14 6. As evidenced by their signatures below, Ms. Turner and Ms. Oliver have read  
15 this stipulation and order, they have accepted the terms of this stipulation and order, they agree  
16 to be bound by the terms, and they understand that if they violate or allows either party to  
17 violate any terms of this stipulated order, they may be held in contempt of court or otherwise  
18 may be sanctioned by the Court. By accepting the terms of this stipulation, Ms. Turner and  
19 Ms. Oliver agree that they are submitting themselves to the jurisdiction of the Court to enforce  
20 its orders. Ms. Turner and Ms. Oliver acknowledge that they may request to be relieved of this  
21 responsibility at any time by providing written notice to the Court, the parties' counsel, or the  
22 parties that they no longer desires to serve in this role; but the terms of this order shall remain  
23 binding on Ms. Turner, Ms. Oliver, and the parties until the Court has modified the order or  
24 the parties reach an alternate written agreement. Ms. Turner's or Ms. Oliver's failure to abide  
25 by the terms of this order shall be grounds for modification of the order.  
26  
27  
28

1           7.       Subject to placing the child in Ms. Turner's care under the terms above, the writ  
2 of habeas corpus and warrant in aid of the writ serve no purpose and, once the child is in the  
3 care of Ms. Turner, are hereby quashed.

4           8.       Nothing in this stipulation will prejudice either party's right to litigate the  
5 factual and legal issues disputed in this action. Nor will anything in this stipulation constitute  
6 evidence of wrongdoing by either party. The parties agree that this stipulation is not an  
7 admission by either party that he or she is unfit to serve as the primary custodial parent. The  
8 parties agree that the sole purpose of this stipulation is to confirm the designation and terms of  
9 care for Mr. Colchester's agent as provided in the writ of habeas corpus and warrant in aid writ  
10 of habeas corpus originally entered in Snohomish County Case No. 18-2-07242-31. The  
11 parties agree this is not a custody order nor shall it serve as a modification of the custody  
12 orders in Spain. The parties agree that this stipulation shall not confer child custody  
13 jurisdiction to the State of Washington or the United States. By consenting to the terms of this  
14 order, the parties agree that Mr. Colchester is not consenting to personal jurisdiction in  
15 Washington State or the United States.

16           9.       To ensure there is no interference with any ruling of this Court relating to Mr.  
17 Colchester's petition for return of child under the Hague Convention, the Court will issue its  
18 ruling under seal, preferably with notice to the parties that a ruling is forthcoming, and  
19 dispatch a member of the U.S. Marshal's Service to Ms. Turner or Ms. Oliver (wherever the  
20 child is located) to await the unsealing of the Court's ruling and ensure that the child is  
21 transferred to the party designated by the Court. If Mr. Colchester is not within the District  
22 when the Court issues its final ruling, he may designate an agent in his stead. This provision is  
23 without prejudice to a request for modification by the parties to safeguard both parties'  
24 appellate rights.

1           10.     A proposed order granting the parties' stipulation is below. On entry by the  
2 Court and notification to the Court that the child has been transferred to Ms. Turner, the writ of  
3 habeas corpus and warrant in aid of writ are quashed. The Clerk shall then direct notice of this  
4 stipulation and order to the Sheriff of Snohomish County, Washington and all peace officers in  
5 Washington.  
6

1 Dated: November 6, 2020

2 SKELLENGER BENDER PS

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By: s/John W. Wolfe

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STIPULATION AND PROPOSED  
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STIPULATION AND PROPOSED  
ORDER



**ORDER**

Based on the parties' stipulation above, **IT IS SO ORDERED**. On receipt of the parties' notice that the child has been transferred to the temporary care of Ms. Turner, the Clerk shall serve a copy of this Order on the Sheriff of Snohomish County, Washington and all peace officers in Washington providing that the writ of habeas corpus and arrest warrant in aid of writ above are quashed.

Entered this 9th day of November, 2020.



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HONORABLE JOHN C. COUGHENOUR  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I certify that on November 6, 2020, I served a copy of the foregoing via email upon the persons below not receiving electronic notifications through the Court's CM/ECF system:

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